Transcription ICANN Durban Meeting

SCI Meeting

Saturday 13 July 2013 at 17:30 local time

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: http://gnso.icann.org/en/calendar/#jul

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

http://gnso.icann.org/calendar/

Coordinator: ...all participants that today's conference is being recorded. If you have any objection you may disconnect at this time. Thank you.

Man: The recording for SCI is live.

Jonathan Robinson: Thank you. Recording is now live so I'd like to welcome (Ron Anders) to our meeting. (Ron) is the Chair of the Standing Committee on GNSO Improvements and Implementation and he's going to give us the status updates from the committee.

Ron Andruff: Thank you everyone and good afternoon. Pleasure to see you all and I appreciate your stamina. You're all holding up very well. I too am going to make this a very short briefing because there is not too many things within the SCI that are so critical that we need to draw your attention to it.

There is a few slides - you do have the slides? Very good. (You can) move to the next one, yes. So these were the issues we've been talking about. As you know, there was the suspension of a PDP that went through the SCI and we did our work and we returned back our finished work product on that some time ago.

Moving to the next slide, we're now addressing these three items -- the resubmission of a motion, the Working Group self-assessment and the SCI charter revision. With regard to the resubmitting of the motion, it was a very interesting situation (of the period) here in the GNSO Council.

As you know, some time ago we looked at all of the different elements within the SCI and we've had very good debate and dialogue about how we might tighten up these kinds of things where we have gaps in the knowledgebase, if you will, (or) the processes. And we're getting very close now to finalizing that and you should probably be seeing that from us within the next month.

The Working Group self-assessment we looked at during kind of questionnaire at one point and we're kind of working through that. And through the good graces of (Ken Bauer) and actually through Julie Hedlund having initiated that, (Ken Bauer) has come up with a very interesting document that we would like to have integrated into the Working Group charter as it were so that when a working group is chartered that this self-assessment would be included in that and that they would be able to record back what worked, what didn't work and so forth, so we can constantly refine the Working Group model. And so you'll be also seeing something in that regard from us in the near future.

The third point is the SCI charter revision. The SCI is now about three years old. (Unintelligible) chaired the SCI for the first two years and then stepped down. We had an election but we didn't have anything within our charter to guide us, so we organized an election process and I have become Chair and Avri Doria is the Vice Chair.

As we were moving through that, I looked at the charter and realized it was quite outdated and it needed to be revised, updated to a more living document that reflects what we are doing now. In part of that discussion with

members within the Committee, we had the question of, "Is this a committee that should be sunset or not?"

Because if we look at the original charter, we were dealing with PPSC and OSC and basically GNSO Council review issues and trying to knock the rough edges off of those issues so that those policies would work more fluidly within the operation of the Council and the ICANN community as a whole.

What happened then was that within our Committee we had this discussion and debate whether they should be staying on and continuing or not and it occurred to me that it was better to get back to the council that chartered us to do the work to begin with, to consider whether or not the SCI was a committee that should be continuing as standing committee or should be in fact sunset.

Within that dialogue and discussion one of the issues that was bought up -- in fact I was the one it bought it forward -- was the issue of whether or not we should be considering the element of full consensus versus (rough) consensus. And we had discussions about that internally but, again, as our charter needs to determine this and we need to refine it, I wanted just to bring that back to the table for the Council's consideration as well.

Because it seems to me if you have a body that's responsible for trying to streamline policies that aren't as smooth or workable, that it might be interesting to have the second level of the five levels of consensus within ICANN where you might have dissenting voices actually write out why they dissent on a particular issue.

So at this stage of the game, we will continue to work through the things that we have on our to-do list and look forward to the Council coming back to us with their determinations as to how we should continue (unintelligible) our charter -- whether the SCI should continue or whether we should sunset when we finish the workload that we have now. Thank you.

Jonathan Robinson: Thank you very much (Ron). I'm mindful of a couple of things really. One, we've got a relatively small full portion of the Council here to have this discussion now. I'm very grateful to you for, A, the work that you and the Group have done and, B, for bringing these issues to our attention.

I mean, I think it's really interesting. I mean, personally as Chair I take some comfort from the fact that there's a partially external body to whom we can refer questions of procedure and either elements of the Council's work. So I'm kind of interested in what councilors might say about the ongoing (unintelligible).

And I'm also of another context point and that is that we are roughly aware that the next GNSO review may well be delayed and therefore other activity which permits in this team of ongoing improvement to take place, such as the work undertaken by the SCI, may well be useful on an ongoing basis.

So let me not say anymore. Let me hear from anyone else. Let us hear from anyone else who might have a comment or question or input on this.

I've got (Jen) and the Avri.

Jennifer Wolfe: So this is (Jennifer Walsh) and I sit on the SCI so I've been privy to all the conversation and I think it would be really helpful -- and I know it's late and a lot of people aren't here -- but maybe to place this on another agenda for more full discussion because I think it is an important conversation.

You know, I will just weigh in. I think it could be a very powerful tool for the GNSO in terms of continuous improvement and I think that the SCI just needs guidance that that is what the Council wants (intends) and then it could restructured in the charter accordingly.

Jonathan Robinson: Thanks (Jen). And my sentiment certainly is that it's late. We're too thin to have this discussion properly. I appreciate you guys bringing it on the agenda through (Ron) (unintelligible).

Ron Andruff: Thank you Chair. Just to comment on that, indeed the purpose is not to start a debate in dialogue today -- it was only to bring this issue onto the table for your future discussion. And that's (really) what I was trying to do. Thank you.

Jonathan Robinson: Thanks (Ron). Avri.

Avri Doria: Thank you. Avri Doria speaking. As a member of that group, I actually want to strongly object to part of the report of the report you just gave because you neglected to really include that we discussed the issue of the how decisions are made in SCI quite at length and pretty much came up with a consensus, except for a consensus of one, that that was something that we were not following.

And so for you to come now to the Council and sort of try and sell an idea that you've been trying to tell inside the SCI as if it was a majority position within the SCI is problematic. Thank you.

Jonathan Robinson: (Ron), would you like to respond?

Ron Andruff: Indeed. If I made any misstatement I apologize to anyone in the room. But very clearly the discussion here is do we have a charter revision and is the GNSO Council suggesting we should? And if we are, in my personal capacity I have raised that issue -- it's just one issue of many that might be discussed.

And then the actual determination as (to) that charter will come down to the GNSO Council chartering us -- not anyone else -- and we have all of the voices of the ICANN community here at the table. And so all of various and the various constituencies can weigh in on whether or not these ideas have merit or not. So that was certainly my private capacity. Thank you.

Jonathan Robinson: Thanks (Ron), thanks Avri. Marika.

Marika Konings: This is Marika Konings. So maybe just to make a small point on that because I think (Ron) makes a fair point. You know, the GNSO Council is going to consider the charter. That's one of the elements and I think that the decision-making process that is currently in there, for those that are maybe not familiar with it, is basically an artifact of the PPSC and OSC, which were at the time founded to operate on the full consensus because their task was really to, you know, rewrite the GNSO operating procedures and that's why they had that decision-making methodology.

And we didn't have the GNSO Working Group guidelines at the time (unintelligible) the method for decision-making, which I think we apply to basically all GNSO efforts at the moment.

So I think it's a good fair point to make as the GNSO Council considers that. Also, because that aspect - at least from my perspective I think that was really introduced as a (copy page) from OSC, PPSC at the time when we didn't have that kind of decision-making methodology. So it's worth considering as you consider the broader issues of the charter, if that's still indeed the method you want to operate on, recognized that it's the only body that then would operate under those kind of rules.

Jonathan Robinson: It strikes me that we need some kind of (paper-based) input. It doesn't have to be too substantial but it just gives councilors a brief on the genesis of the SCI after all and (unintelligible) because I don't feel fully informed to have this discussion.

But that's why it's fine to have it on the radar here but I'm not 100% clear right now, as we stand, whether the SCI was - under what circumstances the SCI sort of terminates or comes to an end or how we, you know, whether we think - yes, go ahead.

Marika Konings: Yes, this is Marika. I think part of the issue we're facing in the SCI is that I think initially is was kind of envisioned as a kind of implementation review team, where you have a team of people that were involved in the OSC and the PPSC that would basically follow up on how the recommendations will be implemented and whether there were any issues that came up as part of (that) implementation -- either items that weren't recognized as part of those discussions or items that as part of the implementation didn't really have the effect as was desired.

And I think that has been happening but over time we have seen changes in the membership, which I think (unintelligible) that some of the discussions that were already held in some of those previous efforts actually reemerged because it's not always obvious how certain things have come the way they've come to be.

So I think that's why now the SCI is actually having that discussion (unintelligible). What is really our role? Are we really still there just to review what was the original output or are we becoming indeed the kind of standing committing that on the long run not only looking anymore at what those original recommendations were but also looking at a long-term anything that may come up from an operational or procedural aspect, to look at that.

It may be worth pointing out because I think, having been involved as well with the original creation of the SCI because, I mean, we did put in the charter as well but it would also be responsible for the periodic review of those recommendations, which at least I interpreted as the time, as meaning in a certain of time we're going to review the PDP. In a certain amount of time we'll review the GNSO Working Group guidelines. In a certain amount of time we'll review the operating procedures as a kind of long term effort.

But again, of course, it's, you know, for the Council to decide whether that's still the view you have of that body. And I think they're looking indeed for

guidance from the council level if that is where you want this group to go and, you know, adopt the charter accordingly if that is indeed the desire.

Jonathan Robinson: Okay, well for me this is a very, as I said, this is a very useful heads-up, that this is something we should be thinking about. Mikey.

Mikey O'Connor: Yes, this is Mikey O'Connor for the transcript. I just want to build a little bit on what Marika was saying because I think she's captured the essence of the puzzle that we're presenting.

From my point of view to simply this sort of perhaps a little too much but given the hour I think it suits well to do that, there's a couple of dimensions. The SCI could either continue indefinitely. So it could be a standing committee or a function or it could continue to be a project, which has beginning, middle, end. It's chartered as a project and it's got some deliverables that it supposed to come up with. And the reason that it's taking so long is because we've had to wait for one turn of that crank, so we've had to wait around.

So one puzzler is is it a function, in which case it's not structured right because it's structured as a project right now. And the other is the scope of what it looks at. Right now it's chartered to look at the stuff that was produced by (Jeff) and, you know, and all the committees in the implementation of the board-driven reform. And so, again, it has a very distinct edge.

The other option or another option is to make it essentially almost a standing committee (on rules) for the Council to direct work to, which is fine and certainly lighting bolts won't hit if that is chosen. But it's a radical departure from the (churner). And so the reason that we're bringing this to you - and Jonathan, I think you're right -- I think we threw a pretty sketchy decision at you and at your request for can you fill in a little bit of the background as entirely legitimate.

I think, you know, we should definitely consider giving you something of a briefing around this because I think it is very interesting and profound change of direction for the committee.

Jonathan Robinson: So (Ron) and then Marika.

Ron Andruff: Thank you Jonathan. I just want to pick up on a comment that Mikey made just from my view as the Chair. The SCI is not a ruled committee by an stretch because what we do is when something doesn't work from a policy point of view, our job of members of the community is to pick it up and try to see how can we make this square peg fit in the round hole or if it doesn't just send it back, say we really tried but we can't figure that out.

But we have no power whatsoever other than to review something in more detail, take the time, such as we were looking at the reconsideration of a motion. We've been working on that now for quite some time. And then once we've kind of found a solution that we feel works, bring it back to the Council for the Council to make determinations on whether these things work.

So we really have no authority. I just want to underscore that. Thank you.

Jonathan Robinson: I would - and this (is for the comment) I made earlier, that I take some comfort from having that. So in some ways I can, without preempting any kind of outcome of this. I mean, for me it's certainly - and I don't know whether other councilors will feel this but there's a degree of comfort about having a formal standing committee on what might be on policy and procedure that we can refer things to for detailed deliberation.

But, you know, like I said, I don't feel properly informed. These are relatively ill-informed early comments on an issue that I'm not fully familiar with. Marika.

Marika Konings: It is Marika. I think I disagree with Mikey here on the radical change of the charter because I think, at least how I've always seen it, was indeed as this

kind of on demand, if the Council gives you an issue that is (filed) to be within the scope of operating procedures and if there's anything that falls within the Council's (unintelligible) to give that work to the SCI.

(And I think) if you probably read it a (narrow way), saying it's only limited to the PPSC and OSC recommendations, then, you know, there's a different interpretation. But I think he Council has already, by the request (they have) made, demonstrated that they see it as well like identifying those issues that weren't recommended but as a result obviously absent from what should have been there.

So I think the way it's currently written that it's really at the request of the Council or any, you know, effort chartered by the Council I think provides already the kind of limitation saying, okay, we'll just go off and (look) whatever beyond, you know, (unintelligible). I think it's clearly directed by the Council, the work that's undertaken by the SCI in addition to the periodic review that's also within the (remit) of the SCI as it currently stands.

Jonathan Robinson: All right, let's hear - it sounds like we've got someone who wants to make a final contribution here and then we'll call it a day.

Seeing none others, thanks. Okay, over to you Mikey. Let's hear the last one.

Mikey O'Connor: It's just to say now you can see why we bought this to you. (It's a case they want) and I think we owe you a briefing that's better than the one we've given you.

Jonathan Robinson: Thank you. And lest it be construed as such, that wasn't a criticism on my part -- it was just a recognition of, A, appreciation that you have bought it but, B, in order to consider it fully we probably needed more background and fuller participation from all of the Council, which we don't have right now.

So thank you (Ron). Thank you to your colleagues on the SCI for your contributions and we'll call this session to a halt. We're going to have one more after this and then we're done. So if you could bear with us for a final short session on the synopsis of Whois requirements and the initial reports on the Whois Survey Working Group, we'll deal with that and then we'll be done for the day.

So let's close this session and open up for one final session, which I think is going to be presented by (Barry).

                                    END